

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: DEREGULATION OF LOCAL EXCHANGE SERVICES IN COMPETITIVE MARKETS`	DOCKET NO. INU-04-1
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ORDER REQUESTING ADDITIONAL INFORMATION

(Issued June 25, 2004)

On May 7, 2004, the Utilities Board (Board) issued an "Order Initiating Formal Notice and Comment Proceeding" in Docket No. INU-04-1, pursuant to Iowa Code section 476.1D (2003). As part of that order, the Board requested that telecommunications carriers providing service in the Council Bluffs and Sioux City markets¹ and certain overbuilt exchanges file updated responses to the Board's "2003 Telecommunications Competition Survey for Retail Local Voice Service."

Upon review of the survey responses received in this docket, the Board notes that the survey requests and responses did not separately identify lines provided using unbundled network elements (UNEs), unbundled network element platforms (UNE-Ps), or other UNE alternatives. Because of recent action involving the Federal Communications Commission's (FCC) Triennial Review Order (TRO),² it appears it

¹ For purposes of this proceeding, the Sioux City market includes the communities of James and Westfield and the Council Bluffs market includes the Loveland and Wilson communities.

² *In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Deployment of Wireline Services Offering Advanced*

may be helpful if the record includes specific information regarding the number of customers served using UNEs, UNE-Ps,³ or some other method of providing service.

The Board requests that this information be provided solely from those carriers providing wholesale service in the Sioux City and Council Bluffs markets, as defined. The information should identify the carriers that utilize UNEs, UNE-Ps, or another UNE alternative and the number of lines of each type of service used by each carrier. This information should be filed on or before July 12, 2004. If a carrier is unable to provide the information by that date, the carrier should apply for an extension of time as soon as possible and identify why the information cannot be gathered by that date and when the information will be filed.

As a practical matter, the Board notes that the information will be filed by incumbent carriers but will contain information that will be considered confidential by the competitive carriers. Therefore, the Board finds that the information requested constitutes a report to a government agency, the release of which would give advantage to competitive local exchange carriers and would serve no public purpose. Therefore, the Board will hold the information to be filed in response to this order as confidential under the provisions of Iowa Code § 22.7(6) and 199 IAC 1.9.

Telecommunications Capability, CC Docket Nos. 01-338, 96-98, and 98-147, "Report and Order on Remand and Further Notice of Proposed Rulemaking." (Rel. August 21, 2003).

³ For purposes of this proceeding, the Board will define UNE-P as being the purchase of all UNEs necessary to provide retail service.

IT IS THEREFORE ORDERED:

1. The incumbent carriers serving the Council Bluffs and Sioux City markets are required to respond to the request for additional information as described in this order on or before July 12, 2004.

2. The information filed pursuant to this order shall be treated as confidential by the Board pursuant to Iowa Code § 22.7(6), subject to the provisions of 199 IAC 1.9(8)"b"(3).

UTILITIES BOARD

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 25th day of June, 2004.